BEFORE THE BOARD OF OSTEOPATHIC EXAMINERS

FOR THE STATE OF ARIZONA

IN THE MATTER OF:)
) STIPULATION
David M. Thomas, D.O.) FOR ENTRY OF
Holder of License No. 2774) BOARD ORDER
) Case # 1464

By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") and David M. Thomas, D.O. ("Respondent") agree to the following disposition of this matter.

- 1. Respondent acknowledges that he has read this Stipulation and the attached Consent Order; and, he is aware of and understands the content of this document.
- 2. Respondent understands that by entering into this Stipulation he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged in the Stipulated Findings of Fact or to challenge this Agreement and the order issued.
- 3. Respondent acknowledges his understanding that this Stipulation and Consent Order will not become effective until approved by the Board and signed by its Executive Director.
- 4. Respondent further understands that this Stipulation and Consent Order, once approved and signed, shall constitute a public record which may be disseminated as a formal action of the Board.
- 5. Any admissions made by Respondent are solely for the stipulated disposition of this matter and are not intended as an admission against his interest or an admission of liability in any

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civil or criminal litigation.

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6. Respondent is aware that any violation of said Consent Order constitutes unprofessional conduct pursuant to A.R.S. § 32-1854(26) and may result in disciplinary action pursuant to A.R.S. § 32-1855.

ACCEPTED this Dixty day of December, 1993.

David M. Thomas, D.O.

FINDINGS OF FACT

- 1. The Board of Osteopathic Examiners of the State of Arizona ("Board") is the duly constituted authority for the regulation and control of the practice of osteopathic medicine in the State of Arizona.
- 2. David M. Thomas, D.O., (hereinafter, "Respondent") is the holder of License No. 2774 for the practice of medicine in the State of Arizona.
- 3. On or about July 29, 1992, the Board received information which suggested that Respondent, might have committed an act or acts of unprofessional conduct as defined in A.R.S. \$32-1854.
- 4. Due to receipt of said information the Board, in accordance with A.R.S. §32-1855, investigated the allegations of unprofessional conduct as brought against David M. Thomas, D.O.
- 5. Respondent was informed by correspondence that a Board investigation was pending and the substance of the allegations being investigated.

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DATED and EFFECTIVE this 134 day of December, 1993.

6. Respondent failed to timely pay for renewal of his Board license on or before April 1, 1993; and, therefore, pursuant to Arizona Revised Statutes §32-3202, Respondent's license was suspended on the date that it would otherwise expire or terminate.

CONCLUSIONS OF LAW

- 1. The Arizona Board of Osteopathic Examiners in Medicine and Surgery possesses jurisdiction over the subject matter hereof and over David M. Thomas, D.O., pursuant to A.R.S. § 32-1801, et seq.
- 2. The Board has authority to enter into an agreement for the stipulated disposition of this matter pursuant to A.R.S. § 41- 1061(D).

ORDER

Pursuant to the authority vested in the Board by A.R.S. § 32-1855.E.4 and § 41-1061.D, the Board voted to accept the stipulated disposition of this matter on October 15, 1993; and, therefore, IT IS HEREBY ORDERED THAT:

- 1. DAVID M. THOMAS, D.O. (Respondent) shall surrender license number 2774 for the practice of osteopathic medicine and surgery in the state of Arizona within ten (10) days of the effective date of this order. Respondent shall deliver by mail to the Board's office all documents in his possession or subject to his control that indicate he is a licensee of the Board. Said delivery to be made within ten (10) days of the effective date of this order.
- 2. THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY will DISMISS case number 1464 brought against David M. Thomas, D.O.

1 ARIZONA STATE BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY 2 3 Ву Paul M. Steingard, D.O. 4 Vice-President [SEAL] 5 6 7 Executive Director 8 Copy mailed by Certified Mail this 13th of December, 1993, ġ to: 10 David M. Thomas, D.O. Star Route Box 62A 11 Epes, AL 35460 C/O John Gabroy 12 Gabroy, Rollman & Bosse, P.C. 2195 E. River Road, Suite 201 13 Tucson, AZ 85718 14 Copy mailed by Interagency Mail 15 to Board Counsel. 16 17 18 19 20 21 22 23 24 25 26 27

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